

MESSAGE NO: 6076303 MESSAGE DATE: 03/16/2016

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: RES-Rescission

FR CITE: FR CITE DATE:

REFERENCE 5299301
MESSAGE #
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: 03/01/2016 COURT CASE #: 15-289

PERIOD OF REVIEW: 11/01/2013 TO 04/30/2014

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for fresh garlic from the People's Republic of China exported by Jinxiang Kaihua Imp & Exp Co., Ltd. for the period 11/01/2013 through 4/30/2014 (A-570-831)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below

1. On 03/01/2016, the U.S. Court of International Trade issued an order dismissing the case Jinxiang Kaihua Imp & Exp Co., Ltd. v. United States (court number 15-289). As a result of this order, the injunction to which message 5299301 refers enjoining the liquidation of entries which are subject to the antidumping duty order on fresh garlic from the People's Republic of China (PRC) for the period 11/01/2013 through 04/30/2014, exported by Jinxiang Kaihua Imp & Exp Co., Ltd. dissolved on 03/01/2016.

2. For all shipments of fresh garlic from PRC exported by Jinxiang Kaihua Imp & Exp Co., Ltd. (A-570-831-071), and which were entered, or withdrawn from warehouse, for consumption during the period 11/01/2013 through 4/30/2014, assess antidumping duties at the cash deposit or bonding rate required at the time of entry.

Liquidate all entries for the following firm:

Exporter: Jinxiang Kaihua Imp & Exp Co., Ltd.

Case number A-570-831-071

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of fresh garlic from PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is

subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:AC.)

8. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party